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EXTRAORDINARY
PART II—Section 2
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LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th April, 1959:—

BILL No. 25 OF 1959

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Short title Act, 19 .

XLV of 1860. 5 2. After section 383 of the Indian Penal Code the following new section shall be inserted, namely,—

Insertion of new section 383A.

10 "383A. Whoever by resorting to a hungerstrike with intent to induce or coerce the public or any section of the public or any individual intentionally induces or coerces any person so induced or coerced to do or omit to do anything which he would not do or omit to do if he was not so induced or coerced and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, commits extortion." Extortion by hunger strike.

STATEMENT OF OBJECTS AND REASONS

Hunger strikes are becoming very common and should be discouraged, as they are generally used to gain political advantages or selfish ends. It is necessary to make hunger strikes a criminal offence in the public interest. The Bill accordingly seeks to add a new section 383A after section 383 in the Indian Penal Code so as to include hunger strike within the definition of extortion and make it punishable.

NEW DELHI;
The 6th March, 1959.

KASHI NATH PANDEY.

BILL NO. 30 OF 1959

A Bill to provide for the registration of domestic servants and to regulate their hours of work, payment of wages, leave and holidays.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the All India Domestic Servants Act, 19 . Short title,
extent, com-
mencement
and applica-
tion.
- 5 (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force at once.
- (4) Nothing in this Act shall apply to persons engaged in commercial establishments or industrial undertakings.
- 10 2. In this Act, unless there is anything repugnant in the subject Definitions.
or context,—
- (i) 'domestic servant' means the person or persons engaged by anyone, either full time or part time, to do the work of cooking, sweeping, cleaning or driving vehicles for purpose of his own family;
- 15 (ii) 'employer' means the person who engages a domestic servant for his own family;

(iii) 'police officer' means the person in charge of a police station not below the rank of a sub-inspector.

Interpre-
tation.

3. Words and expressions not defined in this Act shall have the meaning assigned to them in the Indian Penal Code, 1860.

XLV of 1860

Information
to Police.

4. (1) Anyone who engages a domestic servant or servants shall intimate to the nearest police station of his having done so within seven days of the engagement.

(2) The employer shall inform the officer in charge of police station the name, the native place, names, if any, of the former employers and names of other nearest relations of the newly engaged domestic servant. He shall also give to the police officer such other details as he could gather.

Verification
of details
from em-
ployer.

5. (1) The Officer in charge of the police station shall enter in a register all the particulars given by the employer.

(2) The Officer in charge of the police station or someone deputed by him shall call on the employer within three days of registration and verify the details given earlier.

He may also gather from the domestic servant such other details as he may require. He shall particularly note down the following:—

(a) Height,

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(b) Identity marks,

(c) Specimen signatures or thumb impression.

Verification
of details
from the
domestic
servant.

6. (1) The police officer shall, after getting all information mentioned in sub-section (2) of section 4, immediately write to the police station concerned and ask for verification of the details given by the domestic servant.

(2) The police officer to whom an inquiry under sub-section (1) is addressed shall immediately verify whether the particulars mentioned in the communication are correct and he shall intimate the result of his enquiry to the station of the origin of the enquiry.

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Action to be
taken by Police
Officer.

7. (1) If the police officer who has originally addressed an enquiry under this Act finds that the reply received under sub-section (2) of section 6 does not tally with the details given about the domestic servant or servants under sub-section (2) of section 4 he shall duly intimate the fact to the employer concerned.

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(2) The police officer may also call on the employer and ascertain further particulars so as to establish the identity and *bona fides* of the domestic servant concerned.

(3) Whether the reply received under sub-section (2) of section 6 is satisfactory or not, the police officer concerned shall duly intimate to the employer the result of the reply.

8. (1) Any police officer not below the rank of a sub-inspector shall have the right to make periodic inspections of residential quarters with a view to ascertaining whether any domestic servant or servants working there have been duly registered or not. Inspection by police.

(2) If the police officer finds that the domestic servant or servants working there have not been registered, he shall call upon the employer concerned to get them registered within a week.

9. (1) Every domestic servant shall be allowed at least twenty-four hours of rest every week. Weekly holidays.

(2) No deduction shall be made from the wages of any domestic servant on account of weekly holidays under sub-section (1).

10. (1) Wages of every domestic servant shall be paid within the first seven days of the next month. Time and condition of payment of wages.

(2) Where the employment of a domestic servant is terminated by the employer, the wages earned by the domestic servant shall be paid within three days of the termination of employment.

11. (1) The minimum wage of a domestic servant under eighteen years of age shall be Rupees thirty per month and over eighteen years of age Rupees forty per month. Wages and working hours.

(2) No domestic servant shall be made to work for more than ten hours in a day.

12. (1) Every domestic servant shall be entitled after twelve months continuous employment to privilege leave with full wages for a total period of not less than fifteen days. Wages during leave.

(2) A domestic servant shall be entitled to casual leave with wages for a total period of not less than fifteen days every year:

Provided that where a domestic servant has completed a continuous period of four months he shall be entitled to privilege leave of not less than five days for every such completed period.

13. An employer who fails to comply with the provisions of sub-section (2) of section 8 shall be liable to a fine not exceeding Rupees twenty-five. Penalty.

Proceedings
against the
employer.

14. Any police officer not below the rank of a sub-inspector may take necessary proceedings against an employer not complying with the provisions of sub-section (2) of section 7.

Power to
make rules.

15. (1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act. 5

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. 10

STATEMENT OF OBJECTS AND REASONS

The Bill is intended to provide for the registration of domestic servants and to regulate their hours of work, payment of wages, conditions of service and leave. They have been subject to harassment from time to time. This Bill will provide the necessary protection and security of service.

NEW DELHI;

KANHAIYA LAL BALMIKI

The 12th March, 1959.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 empowers the Central Government to make rules for the purpose of carrying out the provisions of this Act. The proposed delegation of Legislative power is of a normal character.

M. N. KAUL,
Secretary.